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DAVID TOREN, ESQ.
SIDLEY, AUSTIN, BROWN & WOOD, LLP
787 SEVENTH AVENUE
NEW YORK, NY 10019-6018

In re Application of MÜLLER et al :
U.S. Application No.: 10/031,468 :
PCT Application No.: PCT/EP00/05877 : COMMUNICATION
Int. Filing Date: 26 June 2000 :
Priority Date Claimed: 16 July 1999 :
Attorney Docket No.: DT-6055 :
For: LABORATORY CENTRIFUGE, :
COMPRISING REFRIGERATION UNIT :

This is in response to the papers filed 11 March 2003.

BACKGROUND

On 26 June 2000, applicant filed international application PCT/EP00/05877, which claimed priority of an earlier Germany application filed 16 July 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 25 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 16 January 2002.

On 16 January 2002, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 April 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 June 2002, applicant purportedly filed an executed declaration.

On 07 March 2003, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 11 March 2003, applicant filed correspondence including a copy of the declaration purportedly filed on 12 June 2002.

DISCUSSION

A review of the copy of the declaration reveals that applicant incorrectly listed the U.S. Application Number as "10/034,468" on the cover letter for the declaration. The originally filed declaration was found during a subsequent review of office records.

CONCLUSION

For the reasons above, the Notification of Abandonment (Form PCT/DO/EO/909) mailed 07 March 2003 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 June 2000, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 12 June 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 703-308-6614

Facsimile: 703-308-6459